

REMARKS

Claims 1-15 and 45-75 are pending in the application.

Claims 45-75 were previously withdrawn from consideration.

Claims 1-15 stand rejected.

Claims 1-15 have been amended.

Formal Matters

As an initial matter, Applicants thank the Examiner for his thorough review of the instant application. However, Applicants must disagree with the position taken in the Office Action, with regard to the instant continuation application not being disclosed in the parent application. Applicants have performed an electronic comparison between the substitute specification filed in the instant case, and, aside from minor formatting and editorial changes, are only able to identify substantive changes to the claims, the Summary of the Invention section (as a result of changes to the claims) and the Abstract of the Invention section (again, as a result of changes to the claims). Thus, no new matter has been added, and so the specification of the parent has been “continued” within the meaning of MPEP 201.07, and the criteria set forth in 35 U.S.C. 112 met. In fact, Applicants find themselves at a loss to understand why the submission of a substitute specification containing such well-accepted amendments as those made to the claims, and the Summary and Abstract of the Invention sections is not acceptable and is cited as failing to meet 35 U.S.C. 120.

To this end, it is noted in the Office Action that the listed inventors have changed. While the inventors listed (both in the blank declaration filed originally with the continuation

application (filed merely for purposes of providing inventor information) and that filed in the Response to Notice of Missing Parts, dated June 18, 2002) are a subset of those inventors listed in the parent application, Applicants respectfully submit that such a change is not indicative of a change to the subject matter disclosed in the Specification, but merely a reflection of the fact that the claims filed in the continuation application are directed to subject matter in the continued Specification for which those individuals listed as inventors in the continuation application are, in fact, inventors. The fact that the Declaration/Power-of-Authority signed by these individuals does not include a claim to priority to the parent application is not of significance, given that the patent application to which they are attesting contains such a claim. Thus, by their so attesting, the inventors have attested to the (proper) benefit of claim to priority of the parent. Moreover, such a claim would not be sufficient, in and of itself, to provide priority to the parent application, and so the existence of such claim immaterial to the present analysis. Applicants therefore respectfully submit that the issue of priority is met by the documents filed to date. However, Applicants respectfully submit that, if a supplemental declaration is proved necessary, Applicants will consider the filing of same at that time.

As to the requested amendments to the instant Specification and claim objections, Applicants have complied with the Examiner's observations. Applicants respectfully submit that the objections to the Specification and claims 14-15, and believe both these objections to be overcome thereby. No new matter is added thereby.

Rejection of Claims under 35 U.S.C. § 101

Claims 1-15 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claims 1-15 in accordance with suggestions made in the Office Action, and therefore respectfully submit that this rejection is overcome thereby.

Rejection of Claims under 35 U.S.C. § 102

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wiecha, et al., U.S. Patent No. 5,870,717 (Wiecha).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Moreover, Applicants respectfully submit that no particular parts of the cited reference that the Examiner has relied upon (in general or in specific) have been designated as nearly as practicable, and the pertinence of the reference has not been explained in any way, both as required by 37 C.F.R. § 1.104(c)(2). In fact, the Office Action contains no citation whatsoever to any section of Wiecha. The Office Action merely states that “Wiecha et al. disclose ...” and then repeats the language of the given claim’s limitations. No attempt is made to point out the portion(s) of Wiecha that show, teach or otherwise even suggest the claimed limitations.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union*

Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Such has not been demonstrated in the Office Action. Nevertheless, Applicants have made every effort to respond to the rejections outlined in the Office Action in as cogent manner as is practical, given the Office Action's lack of direction in this regard.

Applicants are unable to find, in Wiecha's disclosure, several of the limitations recited in amended independent claim 1, which now reads:

1. A computer-implemented method comprising:
generating a list of accounts;
selecting a selected account by detecting selection of one of the accounts, wherein
the selecting a selected account is performed using a computer;
generating a list of orders associated with the selected account, wherein
the list of orders comprises orders that have been submitted to an external
provisioning system for provisioning, and
the computer and the external provisioning system are communicatively coupled
to one another;
selecting a selected order by detecting selection of one of the orders that has been
submitted for provisioning by the external provisioning system, wherein
the selecting a selected order is performed using the computer;
detecting a request to make a change to the selected order, wherein the request comprises
a change to the selected order;
incorporating the change in the selected order;
submitting a re-submitted order by submitting the selected order for provisioning by the
external provisioning system; and
synchronizing the re-submitted order in the external provisioning system to override the
one of the orders that had been submitted for provisioning.

Applicants respectfully submit that the submission of an order for provisioning is nowhere shown, taught or suggested by Wiecha's disclosure. The claimed provisioning relates to both products and services, as can be seen at several points in the present specification. (e.g., Specification, p. 2, line 17; p. 3, line 13; p. 22, line 26).

Moreover, Applicants are further unable to find the claimed synchronizing shown, taught or suggested anywhere in Wiecha's disclosure. The claimed synchronizing represents the functionality that allows an order for products and services being provisioned, to be altered. Applicants are unable to find any disclosure regarding the alteration of an existing order in Wiecha.

In contrast, that Wiecha fails to comprehend functionality that allows for such changes to orders is to be expected, given that Wiecha's system is merely directed to automating the ordering process, and fails to even recognize the problems created in the situation in which a user might wish to change an order (and so, the provision of a solution thereto). Thus, by its own terms, Wiecha is directed to:

“Current corporate purchasing procedures are labor-intensive and therefore costly. The system enables an employee who needs an item which must be ordered from a supplier to select the item from an electronic catalog displayed on a personal computer and submit an order for approval and processing directly, by-passing both the normal paper approvals and the manual verification of the order by the organization's Purchasing department. It achieves this by means of an electronic catalog accessible from the employee's own personal computer, and a

computer network and associated services linking the enterprise to one or more suppliers.” (Wiecha, Abstract)

As is evident, Wiecha is directed to a system for ordering items over computer network using an electronic catalog. And while Wiecha discloses changes to the electronic catalog (i.e., the items within the electronic catalog), nowhere does Wiecha disclose changes to the orders described therein. This mirrors the business process that Wiecha’s system is intended to support, as once an order is in-process, changes to the order are typically difficult or impossible to make. Moreover, Wiecha clearly fails to provide any disclosure regarding the synchronizing of a re-submitted order in an external provisioning system in order to override the order that had been submitted for provisioning. No such overriding is performed by Wiecha, nor is such functionality addresses by Wiecha’s disclosure.

Applicants therefore respectfully submit that independent claim 1 is allowable over Wiecha. Applicants thus respectfully urge the Examiner to withdraw the §102 rejection of claim 1. Applicants further respectfully submit that dependent claims 2-15 are allowable as depending upon an allowable base claim in addition to being allowable for various other reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 3, 2006.

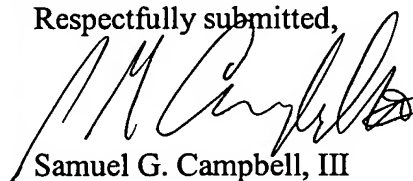


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7/3/06

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